

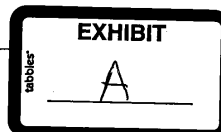
4/2 (B3)

**MASSACHUSETTS DEPARTMENT OF CORRECTION
MCI-CEDAR JUNCTION AT WALPOLE
DISCIPLINARY REPORT**

INMATE: Joseph Schmitt ID#: W-57126 HOUSING UNIT: DDU #113DATE: March 15, 2002 D-REPORT NO.: 02-0563OFFENSE(S) & CODE NO.: #2; #8; #33MINOR MAJOR REFERRED TO DISTRICT ATTORNEY MAJORREFER TO SPECIAL DDU HEARING OFFICER MAJORDESCRIPTION OF OFFENSE(S):

On March 15, 2002 I, Officer Jeffrey Smith determined that inmate Joseph Schmitt violated institutional rules and disrupted the orderly running of the institution.

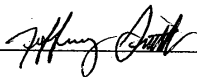
It has been determined that inmate Schmitt has authored a letter to Joseph Chavez, an inmate incarcerated in New Mexico. This letter contained an explicit sexual story pertaining to sexual acts with a child and is consistent with previously authored stories by inmate Schmitt. His actions of authoring this story violates institution rules and disrupts the orderly running, as he has been previously disciplined on material of this nature and is aware of the consequences. The letter has been confiscated as evidence and all proper authorities were notified.

HAS INMATE BEEN PLACED ON AWAITING ACTION STATUS? YES NO ☒REPORTING STAFF PERSON'S SIGNATURE Jeffrey Smith
Jeffrey Smith, C.O. IPSDAYS OFF S / MSHIFT 7 / 3 (PLEASE PRINT NAME)SHIFT COMMANDER'S SIGNATURE Capt. [Signature] Date: 3/19/02DISCIPLINARY OFFICER'S SIGNATURE [Signature] Date: 3/20/02APPEAL RESULTS REVIEWING AUTHORITY DATE: 4/3/02

OFFENSES:

2. VIOLATING ANY DEPARTMENTAL RULE OR ANY OTHER RULE, REGULATION, OR CONDITION OF AN INSTITUTION OR COMMUNITY BASED PROGRAM.
8. CONDUCT WHICH DISRUPTS OR INTERFERES WITH THE SECURITY OR ORDERLY RUNNING OF THE INSTITUTION.
33. ATTEMPTING TO COMMIT ANY OF THE ABOVE OFFENSES, MAKING PLANS TO COMMIT ANY OF THE ABOVE OFFENSES OR AIDING ANOTHER PERSON TO COMMIT ANY OF THE ABOVE OFFENSES SHALL BE CONSIDERED THE SAME AS THE COMMISSION OF THE OFFENSE ITSELF.

REPORTING OFFICER'S
SIGNATURE: _____



TITLE: CO1

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**Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al

Details for Docket: SUCV2002-02562

Case Information

Docket Number:	SUCV2002-02562	Caption:	Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al
Filing Date:	06/11/2002	Case Status:	Dismissed
Status Date:	06/25/2004	Session:	Civil D, 3 Pemberton Sq, Boston
Lead Case:	NA	Case Type:	Prisoner Cases

Tracking Deadlines

TRK:	F	Discovery:	04/07/2003
Service Date:	09/09/2002	Disposition:	08/05/2003
Rule 15:	11/08/2002	Rule 12/19/20:	11/08/2002
Final PTC:	06/06/2003	Rule 56:	05/07/2003
Answer Date:	11/08/2002	Jury Trial:	NO

Parties Involved

8 Parties Involved in Docket: SUCV2002-02562

Party Involved:		Role:	Defendant
Last Name:	Allen, MCI-CJ Supt	First Name:	Peter
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Faria, MCI-CJ disciplinary hearing officer	First Name:	William
Address:		Address:	
City:		State:	

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Zip Code:
Telephone:**Zip Ext:****Party
Involved:****Last Name:** Grossi, MCI-CJ IPS Commmander**Address:****City:****Zip Code:****Telephone:****Role:**

Defendant

First Name:

William

Address:**State:****Zip Ext:****Party
Involved:****Last Name:** Maloney, Comr of Correction**Address:****City:****Zip Code:****Telephone:****Role:**

Defendant

First Name:

Michael T

Address:**State:****Zip Ext:****Party
Involved:****Last Name:** Massachusetts Dept of Correction**Address:****City:****Zip Code:****Telephone:****Role:**

Defendant

First Name:**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Smith, MCI-CJ IPS Officer**Address:****City:****Zip Code:****Telephone:****Role:**

Defendant

First Name:

Jeffrey

Address:**State:****Zip Ext:****Party
Involved:****Last Name:** Therien, MCI-CJ disciplinary
Sergeant**Address:****City:****Role:**

Defendant

First Name:

Ernest

Address:**State:**

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Zip Code:
Telephone:

Zip Ext:

**Party
Involved:**

Role: Plaintiff

Last Name: Schmitt, M81137
Address: Mass. Treatment Center
City: Bridgewater
Zip Code: 02324
Telephone:

First Name: Joseph P
Address: 30 Administration Road
State: MA
Zip Ext:

Attorneys Involved

7 Attorneys Involved for Docket: SUCV2002-02562

**Attorney
Involved:**

Firm Name: MA14

Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 115
Representing: Smith, MCI-CJ IPS Officer, Jeff
(Defendant)

**Attorney
Involved:**

Firm Name: MA14

Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 115
Representing: Therien, MCI-CJ disciplinary
Sergeant, Ernest (Defendant)

**Attorney
Involved:**

Firm Name: MA14

Last Name: Daniele
Address: 70 Franklin Street
City: Boston

First Name: Julie E
Address: Suite 600 Legal Division
State: MA

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Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

Zip Ext: 1300
Tel Ext: 115
Representing: Allen, MCI-CJ Supt, Peter
(Defendant)

**Attorney
Involved:**
Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

Firm Name: MA14
First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 115
Representing: Grossi, MCI-CJ IPS
Commmander, William
(Defendant)

**Attorney
Involved:**
Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

Firm Name: MA14
First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 115
Representing: Maloney, Comr of Correction,
Michael T (Defendant)

**Attorney
Involved:**
Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

Firm Name: MA14
First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 115
Representing: Massachusetts Dept of
Correction, (Defendant)

**Attorney
Involved:**
Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110

Firm Name: MA14
First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300

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Telephone: 617-727-3300**Tel Ext:** 115**Fascimile:** 617-727-7403**Representing:** Faria, MCI-CJ disciplinary hear
officer, William (Defendant)

Calendar Events

No Calendar Events found for Docket: SUCV2002-02562.

There are currently no calendar events associated with this case.

Full Docket Entries

79 Docket Entries for Docket: SUCV2002-02562

Entry Date:	Paper No:	Docket Entry:
06/11/2002	1	Affidavit of indigency and Request for Waiver, substitution or state
06/11/2002	1	payment of fees & costs Filing fee service fee waived (IMPOUNDED)
06/11/2002		Origin 1, Type E96, Track F.
06/11/2002	2	Complaint
06/11/2002	3	Civil action cover sheet filed
06/11/2002	4	Motion of plff to serve defendants via first class pre paid mail
06/21/2002	5	ORDER PURSUANT TO M.G.L. C261 S 29 -- The Department of Corrections
06/21/2002	5	is ORDERED to produce to the Suffolk Superior Court a statement of
06/21/2002	5	the inmate account for JOSEPH P. SCHMITT who is housed in the M.C.I.
06/21/2002	5	CEDAR JUNCTION , WALPOLE, MA. 02071. The statement to be produced
06/21/2002	5	shall be for the 6 month period prior to the date of this order. The
06/21/2002	5	statement is to be mailed to: Suffolk Superior Court, Prisoner
06/21/2002	5	Department, 90 Devonshire Street, Boston, Ma. 02109. Service is to be
06/21/2002	5	made upon defendant(s) by means of certified mail by plaintiff. A
06/21/2002	5	copy of the complaint is to be sent to the Office of the Attorney
06/21/2002	5	General or the Department of Corrections by the Plaintiff. (White,
06/21/2002	5	Justice) (Dated 06/20/02) Notice Sent 06/24/2002.
07/02/2002	6	SERVICE RETURNED: Jeffrey Smith, MCI-CJ IPS Officer(Defendant)
07/02/2002	6	(certified mail)
07/02/2002	7	SERVICE RETURNED: William Grossi, MCI-CJ IPS Commmander(Defendant)
07/02/2002	7	certified mail
07/02/2002	8	SERVICE RETURNED: Ernest Therien, MCI-CJ disciplinary
07/02/2002	8	Sergeant(Defendant) Certified mail
07/02/2002	9	SERVICE RETURNED: Peter Allen, MCI-CJ Supt(Defendant) Certified Mail
07/02/2002	10	SERVICE RETURNED: Michael T Maloney, Comr of Correction(Defendant)

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07/02/2002	10	certified mail
07/02/2002	11	SERVICE RETURNED: Massachusetts Dept of Correction(Defendant)
07/02/2002	11	Certified mail
07/02/2002	12	SERVICE RETURNED: William Faria, MCI-CJ disciplinary hearing
07/02/2002	12	officer(Defendant) certified mail
07/09/2002	13	Motion of plff to amend complaint (w/o opposition)
07/17/2002	14	Defendant's Emergency Further Motion to Enlarge Time in These and
07/17/2002	14	Related Cases & Allowed (White,J) (Dated 7/15/02) notice sent 7/16/02
08/27/2002	15	ORDER AND JUDGMENT The plaintiff has filed a motion to dismiss
08/27/2002	15	(withdraw) the above captioned actions without prejudice to his
08/27/2002	15	seeking relief in federal court. No opposition to his motion (P#13
08/27/2002	15	in case 02-1461) has been filed. The motion is allowed and the court
08/27/2002	15	orders that: Judgment shall enter dismissing the above seven actions
08/27/2002	15	without prejudice (King, J.) entered on docket pursuant to Mass R Civ
08/27/2002	15	P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d)
08/27/2002	15	(See Original Order and Judgment (P#38) in case 02-335)
10/04/2002	16	Motion of plff for Court to vacate its Order and Judgment (w/o
10/04/2002	16	opposition)
10/04/2002	17	Motion of plff for copy of case file (w/o opposition)
02/26/2003		Motion (P#[16] Denied (King,J) Notice Sent 2/24/03 (entered
02/26/2003		2/7/03)
02/26/2003		Motion (P#17) DENIED (Patrick King, Justice) (entered 2/7/03)
12/03/2003	18	Motion of plaintiff for copy of case file Denied (White, J.). Notice
12/03/2003	18	sent 12/4/03
12/03/2003		ORDER ON PLAINTIFF'S MOTIONS FOR CERTIFIED COPIES OF CASE FILES AND
12/03/2003		UPDATED DOCKET SHEETS Plaintiff has filed a motion for certified
12/03/2003		copy of case file and updated docket sheet in each of the above
12/03/2003		enumerated cases. This motion in each case is Denied As to at least
12/03/2003		eight of the cases. the same request has already bee Denied by King,
12/03/2003		J. on Feb. 7 2003 In addition Plaintiff seeks in excess of 2,500
12/03/2003		pages of certified copies the cost of which totals \$6,425.00 He is
12/03/2003		not entitled to this extraordinary expense particularly at this time
12/03/2003		of inadequate court resources (White, J.). Notice sent 12/4/03 (See
12/03/2003		P#48 in case #99-0546)
12/03/2003		MOTION (P#18) DENIED. See order this date. (White, Justice)
12/03/2003		Notices mailed December 4, 2003.
12/23/2003	19	Motion of plff for reconsideration regarding Justice White's denial
12/23/2003	19	of motion for copy of case file (w/o opposition)
12/24/2003	19	Motion of plff for hearing date on his motion for reconsideration
12/24/2003	19	regarding White, Justice denial of motion for copy of case file and
12/24/2003	19	motion for court to habe plaintiff to court hearing (w/o opposition)

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03/04/2004	20	Plaintiff Joseph P Schmitt, M81137's notice of appeal
03/11/2004		MOTION (P#19) DENIED. (White, Justice) (dated 03/03/2004) Notice
03/11/2004		Sent 03/11/2004.
03/11/2004		MOTION (P#19.1) DENIED. No hearing necessary. (White, Justice)
03/11/2004		(dated 03/03/2004) Notices mailed 03/11/2004.
04/27/2004	21	Plaintiff Joseph P Schmitt, M81137's notice of appeal
05/03/2004		Notice to Justice Catherine White of the filing of Notice of Appeal
05/03/2004		Notice of service of the filing of Notice of Appeal to: Julie E.
05/03/2004		Daniele, Esquire, Mass Corrections Department
06/18/2004		Notice of assembly of record on Appeal
06/25/2004		COPY of notice of docket entry received from Appeals Court: ORDER
06/25/2004		for the foregoing reasons, the consolidated appeals are dismissed."
06/25/2004		(Mills, J.) (See P#46 in case 2002-335)

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	Jorge Peter Solano		CLERKS OFFICE	COURT CASE NUMBER	04-16451-RWZ
DEFENDANT	Jeffrey Smith, et al		DATE	2004 OCT 25	TIME
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		TYPE OF PROCESS		
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		U.S. DISTRICT COURT		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	50 Maple Street Ste 3 Milford Ma 01850		DISTRICT OF MASS		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):		Number of process to be served with this Form - 2			
FOLD		Number of parties to be served in this case			
		Check for service on U.S.A.			

Shirley contact Steven
8am - 4pm

Signature of Attorney or other Originator requesting service on behalf of:		PLAINTIFF	TELEPHONE NUMBER	DATE
Jorge P. Solano		DEFENDANT		10-6-04
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE				
I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk
	1	No. 38	No. 38	Henry Salas
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.				
I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)				
Name and title of individual served (if not shown above)		<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.		
Address (complete only if different than shown above)		Date of Service	Time	am
		10/15/04	1:15	pm
		Signature of U.S. Marshal or Deputy		
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits
Amount owed to U.S. Marshal or		Amount of Refund		

REMARKS:

① 10/17/04 1:15 pm - Indiv. no longer works at above address. Unknown where subject currently works. JF

I. CLERK OF THE COURT

FORM USM-2

EXHIBIT

tabler

C